

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**PARALLEL NETWORKS, LLC,**

**Plaintiff,**

**v.**

**AEO, INC., et al.,**

**Defendants.**

**6:10-CV-00275**

**JURY TRIAL DEMANDED**

**BARNES & NOBLE’S ANSWER AND COUNTERCLAIM TO PARALLEL  
NETWORKS’ ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Barnes & Noble, Inc. and barnesandnoble.com llc (collectively, “Barnes & Noble”) file this Answer and Counterclaim to Plaintiff Parallel Networks, LLC’s (“Parallel Networks”) Original Complaint For Patent Infringement (“Complaint”). Barnes & Noble denies the allegations and characterizations in Parallel Networks’ Complaint unless expressly admitted in the following paragraphs:

1. Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 1 and therefore denies the same.
2. Paragraph 2 does not require a response by Barnes & Noble. To the extent that Paragraph 2 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 2 and therefore denies the same.
3. Paragraph 3 does not require a response by Barnes & Noble. To the extent that Paragraph 3 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 3 and therefore denies the same.

4. Paragraph 4 does not require a response by Barnes & Noble. To the extent that Paragraph 4 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 4 and therefore denies the same.

5. Paragraph 5 does not require a response by Barnes & Noble. To the extent that Paragraph 5 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 5 and therefore denies the same.

6. Paragraph 6 does not require a response by Barnes & Noble. To the extent that Paragraph 6 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 6 and therefore denies the same.

7. Barnes and Noble admits Barnes & Noble, Inc. is a corporation with a place of business in New York, New York.

8. Barnes and Noble admits barnesandnoble.com llc is a corporation with a place of business in New York, New York.

9. Paragraph 9 does not require a response by Barnes & Noble. To the extent that Paragraph 9 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 9 and therefore denies the same.

10. Paragraph 10 does not require a response by Barnes & Noble. To the extent that Paragraph 10 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 10 and therefore denies the same.

11. Paragraph 11 does not require a response by Barnes & Noble. To the extent that Paragraph 11 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 11 and therefore denies the same.

12. Paragraph 12 does not require a response by Barnes & Noble. To the extent that Paragraph 12 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 12 and therefore denies the same.

13. Paragraph 13 does not require a response by Barnes & Noble. To the extent that Paragraph 13 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 13 and therefore denies the same.

14. Paragraph 14 does not require a response by Barnes & Noble. To the extent that Paragraph 14 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 14 and therefore denies the same.

15. Paragraph 15 does not require a response by Barnes & Noble. To the extent that Paragraph 15 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 15 and therefore denies the same.

16. Paragraph 16 does not require a response by Barnes & Noble. To the extent that Paragraph 16 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 16 and therefore denies the same.

17. Paragraph 17 does not require a response by Barnes & Noble. To the extent that Paragraph 17 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 17 and therefore denies the same.

18. Paragraph 18 does not require a response by Barnes & Noble. To the extent that Paragraph 18 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 18 and therefore denies the same.

19. Paragraph 19 does not require a response by Barnes & Noble. To the extent that Paragraph 19 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 19 and therefore denies the same.

20. Paragraph 20 does not require a response by Barnes & Noble. To the extent that Paragraph 20 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 20 and therefore denies the same.

21. Paragraph 21 does not require a response by Barnes & Noble. To the extent that Paragraph 21 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 21 and therefore denies the same.

22. Paragraph 22 does not require a response by Barnes & Noble. To the extent that Paragraph 22 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 22 and therefore denies the same.

23. Paragraph 23 does not require a response by Barnes & Noble. To the extent that Paragraph 23 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 23 and therefore denies the same.

24. Paragraph 24 does not require a response by Barnes & Noble. To the extent that Paragraph 24 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 24 and therefore denies the same.

25. Paragraph 25 does not require a response by Barnes & Noble. To the extent that Paragraph 25 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 25 and therefore denies the same.

26. Paragraph 26 does not require a response by Barnes & Noble. To the extent that Paragraph 26 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 26 and therefore denies the same.

27. Paragraph 27 does not require a response by Barnes & Noble. To the extent that Paragraph 27 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 27 and therefore denies the same.

28. Paragraph 28 does not require a response by Barnes & Noble. To the extent that Paragraph 28 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 28 and therefore denies the same.

29. Paragraph 29 does not require a response by Barnes & Noble. To the extent that Paragraph 29 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 29 and therefore denies the same.

30. Paragraph 30 does not require a response by Barnes & Noble. To the extent that Paragraph 30 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 30 and therefore denies the same.

31. Paragraph 31 does not require a response by Barnes & Noble. To the extent that Paragraph 31 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 31 and therefore denies the same.

32. Paragraph 32 does not require a response by Barnes & Noble. To the extent that Paragraph 32 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 32 and therefore denies the same.

33. Paragraph 33 does not require a response by Barnes & Noble. To the extent that Paragraph 33 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 33 and therefore denies the same.

34. Paragraph 34 does not require a response by Barnes & Noble. To the extent that Paragraph 34 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 34 and therefore denies the same.

35. Paragraph 35 does not require a response by Barnes & Noble. To the extent that Paragraph 35 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 35 and therefore denies the same.

36. Paragraph 36 does not require a response by Barnes & Noble. To the extent that Paragraph 36 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 36 and therefore denies the same.

37. Paragraph 37 does not require a response by Barnes & Noble. To the extent that Paragraph 37 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 37 and therefore denies the same.

38. Paragraph 38 does not require a response by Barnes & Noble. To the extent that Paragraph 38 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 38 and therefore denies the same.

39. Paragraph 39 does not require a response by Barnes & Noble. To the extent that Paragraph 39 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 39 and therefore denies the same.

40. Paragraph 40 does not require a response by Barnes & Noble. To the extent that Paragraph 40 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 40 and therefore denies the same.

41. Paragraph 41 does not require a response by Barnes & Noble. To the extent that Paragraph 41 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 41 and therefore denies the same.

42. Paragraph 42 does not require a response by Barnes & Noble. To the extent that Paragraph 42 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 42 and therefore denies the same.

43. Paragraph 43 does not require a response by Barnes & Noble. To the extent that Paragraph 43 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 43 and therefore denies the same.

44. Paragraph 44 does not require a response by Barnes & Noble. To the extent that Paragraph 44 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 44 and therefore denies the same.

45. Paragraph 45 does not require a response by Barnes & Noble. To the extent that Paragraph 45 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 45 and therefore denies the same.

46. Paragraph 46 does not require a response by Barnes & Noble. To the extent that Paragraph 46 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 46 and therefore denies the same.

47. Paragraph 47 does not require a response by Barnes & Noble. To the extent that Paragraph 47 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 47 and therefore denies the same.

48. Paragraph 48 does not require a response by Barnes & Noble. To the extent that Paragraph 48 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 48 and therefore denies the same.

49. Paragraph 49 does not require a response by Barnes & Noble. To the extent that Paragraph 49 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 49 and therefore denies the same.

50. Paragraph 50 does not require a response by Barnes & Noble. To the extent that Paragraph 50 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 50 and therefore denies the same.

51. Paragraph 51 does not require a response by Barnes & Noble. To the extent that Paragraph 51 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 51 and therefore denies the same.

52. Paragraph 52 does not require a response by Barnes & Noble. To the extent that Paragraph 52 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 52 and therefore denies the same.

53. Paragraph 53 does not require a response by Barnes & Noble. To the extent that Paragraph 53 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 53 and therefore denies the same.



54. Paragraph 54 does not require a response by Barnes & Noble. To the extent that Paragraph 54 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 54 and therefore denies the same.

55. Paragraph 55 does not require a response by Barnes & Noble. To the extent that Paragraph 55 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 55 and therefore denies the same.

56. Paragraph 56 does not require a response by Barnes & Noble. To the extent that Paragraph 56 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 56 and therefore denies the same.

57. Paragraph 57 does not require a response by Barnes & Noble. To the extent that Paragraph 57 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 57 and therefore denies the same.

58. Paragraph 58 does not require a response by Barnes & Noble. To the extent that Paragraph 58 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 58 and therefore denies the same.

### **JURISDICTION AND VENUE**

1. Barnes & Noble admits that this action arises under the patent laws of the United States, Title 35, United States Code. Barnes & Noble admits that this Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a). Barnes & Noble admits that Barnes & Noble is subject to this Court's specific and general jurisdiction. Barnes & Noble admits that Barnes & Noble regularly does business in and derives revenue from goods and services provided to persons or entities in the State of Texas. Barnes & Noble denies that specific and general jurisdiction is due to infringement alleged in the Complaint. Barnes & Noble denies that Barnes

& Noble has engaged in using or inducing or contributing to the using of the accused methods and apparatuses identified in the Complaint, including within the State of Texas, or deriving substantial revenues from the alleged use of the accused methods and apparatuses. Barnes & Noble further lacks knowledge sufficient to confirm or deny the allegations against the other defendants and therefore denies the same. Except as expressly admitted herein, Barnes & Noble denies each and every allegation of Paragraph 1.

2. Barnes & Noble admits that venue is proper under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b), but denies that venue is convenient. Barnes & Noble denies that Barnes & Noble has committed any portion of the infringements at issue in this case. Barnes & Noble denies that Barnes & Noble has engaged in using or inducing or contributing to the using of the accused methods and apparatuses identified in the Complaint, or deriving substantial revenues from the alleged use of the accused methods and apparatuses. Barnes & Noble admits that it is subject to personal jurisdiction in the Eastern District of Texas. Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations against the other defendants and therefore denies the same. Except as expressly admitted herein, Barnes & Noble denies each and every allegation of Paragraph 2.

### **COUNT I**

3. Barnes & Noble admits that U.S. Patent No. 6,446,111 (the “’111 Patent”) issued on September 3, 2002. Barnes & Noble denies that the ’111 Patent was duly and legally issued. Except as expressly admitted herein, Barnes & Noble denies each and every allegation of Paragraph 3.

4. Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 4 and therefore denies the same.

5. Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 5 and therefore denies the same.

6. Paragraph 6 does not require a response by Barnes & Noble. To the extent that Paragraph 6 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 6 and therefore denies the same.

7. Paragraph 7 does not require a response by Barnes & Noble. To the extent that Paragraph 7 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 7 and therefore denies the same.

8. Paragraph 8 does not require a response by Barnes & Noble. To the extent that Paragraph 8 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 8 and therefore denies the same.

9. Paragraph 9 does not require a response by Barnes & Noble. To the extent that Paragraph 9 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 9 and therefore denies the same.

10. Paragraph 10 does not require a response by Barnes & Noble. To the extent that Paragraph 10 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 10 and therefore denies the same.

11. Paragraph 11 does not require a response by Barnes & Noble. To the extent that Paragraph 11 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 11 and therefore denies the same.

12. Paragraph 12 does not require a response by Barnes & Noble. To the extent that Paragraph 12 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 12 and therefore denies the same.

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25. Paragraph 25 does not require a response by Barnes & Noble. To the extent that Paragraph 25 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 25 and therefore denies the same.

26. Barnes & Noble denies the allegations of Paragraph 26.

27. Barnes & Noble denies the allegations of Paragraph 27.

28. Barnes & Noble denies the allegations of Paragraph 28.

29. Barnes & Noble denies the allegations of Paragraph 29.

30. Barnes & Noble denies the allegations of Paragraph 30.

31. Barnes & Noble denies the allegations of Paragraph 31.

32. Barnes & Noble denies the allegations of Paragraph 32.

33. Barnes & Noble denies the allegations of Paragraph 33.

34. Paragraph 34 does not require a response by Barnes & Noble. To the extent that Paragraph 34 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 34 and therefore denies the same.

35. Paragraph 35 does not require a response by Barnes & Noble. To the extent that Paragraph 35 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 35 and therefore denies the same.

36. Paragraph 36 does not require a response by Barnes & Noble. To the extent that Paragraph 36 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 36 and therefore denies the same.

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42. Paragraph 42 does not require a response by Barnes & Noble. To the extent that Paragraph 42 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 42 and therefore denies the same.

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46. Paragraph 46 does not require a response by Barnes & Noble. To the extent that Paragraph 46 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 46 and therefore denies the same.

47. Paragraph 47 does not require a response by Barnes & Noble. To the extent that Paragraph 47 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 47 and therefore denies the same.

48. Paragraph 48 does not require a response by Barnes & Noble. To the extent that Paragraph 48 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 48 and therefore denies the same.

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50. Paragraph 50 does not require a response by Barnes & Noble. To the extent that Paragraph 50 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 50 and therefore denies the same.

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57. Paragraph 57 does not require a response by Barnes & Noble. To the extent that Paragraph 57 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 57 and therefore denies the same.

58. Paragraph 58 does not require a response by Barnes & Noble. To the extent that Paragraph 58 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 58 and therefore denies the same.

59. Paragraph 59 does not require a response by Barnes & Noble. To the extent that Paragraph 59 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 59 and therefore denies the same.

60. Paragraph 60 does not require a response by Barnes & Noble. To the extent that Paragraph 60 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 60 and therefore denies the same.

61. Paragraph 61 does not require a response by Barnes & Noble. To the extent that Paragraph 61 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 61 and therefore denies the same.

62. Paragraph 62 does not require a response by Barnes & Noble. To the extent that Paragraph 62 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 62 and therefore denies the same.

63. Paragraph 63 does not require a response by Barnes & Noble. To the extent that Paragraph 63 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 63 and therefore denies the same.

64. Paragraph 64 does not require a response by Barnes & Noble. To the extent that Paragraph 64 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 64 and therefore denies the same.

65. Paragraph 65 does not require a response by Barnes & Noble. To the extent that Paragraph 65 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 65 and therefore denies the same.

66. Paragraph 66 does not require a response by Barnes & Noble. To the extent that Paragraph 66 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 66 and therefore denies the same.

67. Paragraph 67 does not require a response by Barnes & Noble. To the extent that Paragraph 67 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 67 and therefore denies the same.

68. Paragraph 68 does not require a response by Barnes & Noble. To the extent that Paragraph 68 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 68 and therefore denies the same.

69. Paragraph 69 does not require a response by Barnes & Noble. To the extent that Paragraph 69 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 69 and therefore denies the same.

70. Paragraph 70 does not require a response by Barnes & Noble. To the extent that Paragraph 70 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 70 and therefore denies the same.

71. Paragraph 71 does not require a response by Barnes & Noble. To the extent that Paragraph 71 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 71 and therefore denies the same.

72. Paragraph 72 does not require a response by Barnes & Noble. To the extent that Paragraph 72 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 72 and therefore denies the same.

73. Paragraph 73 does not require a response by Barnes & Noble. To the extent that Paragraph 73 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 73 and therefore denies the same.

74. Paragraph 74 does not require a response by Barnes & Noble. To the extent that Paragraph 74 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 74 and therefore denies the same.

75. Paragraph 75 does not require a response by Barnes & Noble. To the extent that Paragraph 75 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 75 and therefore denies the same.

76. Paragraph 76 does not require a response by Barnes & Noble. To the extent that Paragraph 76 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 76 and therefore denies the same.

77. Paragraph 77 does not require a response by Barnes & Noble. To the extent that Paragraph 77 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 77 and therefore denies the same.

78. Paragraph 78 does not require a response by Barnes & Noble. To the extent that Paragraph 78 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 78 and therefore denies the same.

79. Paragraph 79 does not require a response by Barnes & Noble. To the extent that Paragraph 79 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 79 and therefore denies the same.

80. Paragraph 80 does not require a response by Barnes & Noble. To the extent that Paragraph 80 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 80 and therefore denies the same.

81. Paragraph 81 does not require a response by Barnes & Noble. To the extent that Paragraph 81 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 81 and therefore denies the same.

82. Paragraph 82 does not require a response by Barnes & Noble. To the extent that Paragraph 82 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 82 and therefore denies the same.

83. Paragraph 83 does not require a response by Barnes & Noble. To the extent that Paragraph 83 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 83 and therefore denies the same.

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86. Paragraph 86 does not require a response by Barnes & Noble. To the extent that Paragraph 86 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 86 and therefore denies the same.

87. Paragraph 87 does not require a response by Barnes & Noble. To the extent that Paragraph 87 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 87 and therefore denies the same.

88. Paragraph 88 does not require a response by Barnes & Noble. To the extent that Paragraph 88 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 88 and therefore denies the same.

89. Paragraph 89 does not require a response by Barnes & Noble. To the extent that Paragraph 89 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 89 and therefore denies the same.

90. Paragraph 90 does not require a response by Barnes & Noble. To the extent that Paragraph 90 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 90 and therefore denies the same.

91. Paragraph 91 does not require a response by Barnes & Noble. To the extent that Paragraph 91 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 91 and therefore denies the same.

92. Paragraph 92 does not require a response by Barnes & Noble. To the extent that Paragraph 92 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 92 and therefore denies the same.

93. Paragraph 93 does not require a response by Barnes & Noble. To the extent that Paragraph 93 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 93 and therefore denies the same.

94. Paragraph 94 does not require a response by Barnes & Noble. To the extent that Paragraph 94 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 94 and therefore denies the same.

95. Paragraph 95 does not require a response by Barnes & Noble. To the extent that Paragraph 95 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 95 and therefore denies the same.

96. Paragraph 96 does not require a response by Barnes & Noble. To the extent that Paragraph 96 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 96 and therefore denies the same.

97. Paragraph 97 does not require a response by Barnes & Noble. To the extent that Paragraph 97 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 97 and therefore denies the same.

98. Paragraph 98 does not require a response by Barnes & Noble. To the extent that Paragraph 98 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 98 and therefore denies the same.

99. Paragraph 99 does not require a response by Barnes & Noble. To the extent that Paragraph 99 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 99 and therefore denies the same.

100. Paragraph 100 does not require a response by Barnes & Noble. To the extent that Paragraph 100 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 100 and therefore denies the same.

101. Paragraph 101 does not require a response by Barnes & Noble. To the extent that Paragraph 101 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 101 and therefore denies the same.

102. Paragraph 102 does not require a response by Barnes & Noble. To the extent that Paragraph 102 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 102 and therefore denies the same.

103. Paragraph 103 does not require a response by Barnes & Noble. To the extent that Paragraph 103 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 103 and therefore denies the same.

104. Paragraph 104 does not require a response by Barnes & Noble. To the extent that Paragraph 104 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 104 and therefore denies the same.

105. Paragraph 105 does not require a response by Barnes & Noble. To the extent that Paragraph 105 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 105 and therefore denies the same.

106. Paragraph 106 does not require a response by Barnes & Noble. To the extent that Paragraph 106 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 106 and therefore denies the same.

107. Paragraph 107 does not require a response by Barnes & Noble. To the extent that Paragraph 107 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 107 and therefore denies the same.

108. Paragraph 108 does not require a response by Barnes & Noble. To the extent that Paragraph 108 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 108 and therefore denies the same.

109. Paragraph 109 does not require a response by Barnes & Noble. To the extent that Paragraph 109 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 109 and therefore denies the same.



110. Paragraph 110 does not require a response by Barnes & Noble. To the extent that Paragraph 110 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 110 and therefore denies the same.

111. Paragraph 111 does not require a response by Barnes & Noble. To the extent that Paragraph 111 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 111 and therefore denies the same.

112. Paragraph 112 does not require a response by Barnes & Noble. To the extent that Paragraph 112 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 112 and therefore denies the same.

113. Paragraph 113 does not require a response by Barnes & Noble. To the extent that Paragraph 113 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 113 and therefore denies the same.

114. Paragraph 114 does not require a response by Barnes & Noble. To the extent that Paragraph 114 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 114 and therefore denies the same.

115. Paragraph 115 does not require a response by Barnes & Noble. To the extent that Paragraph 115 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 115 and therefore denies the same.

116. Paragraph 116 does not require a response by Barnes & Noble. To the extent that Paragraph 116 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 116 and therefore denies the same.

117. Paragraph 117 does not require a response by Barnes & Noble. To the extent that Paragraph 117 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 117 and therefore denies the same.

118. Paragraph 118 does not require a response by Barnes & Noble. To the extent that Paragraph 118 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 118 and therefore denies the same.

119. Paragraph 119 does not require a response by Barnes & Noble. To the extent that Paragraph 119 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 119 and therefore denies the same.

120. Paragraph 120 does not require a response by Barnes & Noble. To the extent that Paragraph 120 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 120 and therefore denies the same.

121. Paragraph 121 does not require a response by Barnes & Noble. To the extent that Paragraph 121 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 121 and therefore denies the same.

122. Paragraph 122 does not require a response by Barnes & Noble. To the extent that Paragraph 122 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 122 and therefore denies the same.

123. Paragraph 123 does not require a response by Barnes & Noble. To the extent that Paragraph 123 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 123 and therefore denies the same.

124. Paragraph 124 does not require a response by Barnes & Noble. To the extent that Paragraph 124 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 124 and therefore denies the same.

125. Paragraph 125 does not require a response by Barnes & Noble. To the extent that Paragraph 125 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 125 and therefore denies the same.

126. Paragraph 126 does not require a response by Barnes & Noble. To the extent that Paragraph 126 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 126 and therefore denies the same.

127. Paragraph 127 does not require a response by Barnes & Noble. To the extent that Paragraph 127 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 127 and therefore denies the same.

128. Paragraph 128 does not require a response by Barnes & Noble. To the extent that Paragraph 128 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 128 and therefore denies the same.

129. Paragraph 129 does not require a response by Barnes & Noble. To the extent that Paragraph 129 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 129 and therefore denies the same.

130. Paragraph 130 does not require a response by Barnes & Noble. To the extent that Paragraph 130 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 130 and therefore denies the same.

131. Paragraph 131 does not require a response by Barnes & Noble. To the extent that Paragraph 131 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 131 and therefore denies the same.

132. Paragraph 132 does not require a response by Barnes & Noble. To the extent that Paragraph 132 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 132 and therefore denies the same.

133. Paragraph 133 does not require a response by Barnes & Noble. To the extent that Paragraph 133 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 133 and therefore denies the same.

134. Paragraph 134 does not require a response by Barnes & Noble. To the extent that Paragraph 134 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 134 and therefore denies the same.

135. Paragraph 135 does not require a response by Barnes & Noble. To the extent that Paragraph 135 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 135 and therefore denies the same.

136. Paragraph 136 does not require a response by Barnes & Noble. To the extent that Paragraph 136 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 136 and therefore denies the same.

137. Paragraph 137 does not require a response by Barnes & Noble. To the extent that Paragraph 137 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 137 and therefore denies the same.

138. Paragraph 138 does not require a response by Barnes & Noble. To the extent that Paragraph 138 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 138 and therefore denies the same.

139. Paragraph 139 does not require a response by Barnes & Noble. To the extent that Paragraph 139 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 139 and therefore denies the same.

140. Paragraph 140 does not require a response by Barnes & Noble. To the extent that Paragraph 140 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 140 and therefore denies the same.

141. Paragraph 141 does not require a response by Barnes & Noble. To the extent that Paragraph 141 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 141 and therefore denies the same.

142. Paragraph 142 does not require a response by Barnes & Noble. To the extent that Paragraph 142 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 142 and therefore denies the same.

143. Paragraph 143 does not require a response by Barnes & Noble. To the extent that Paragraph 143 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 143 and therefore denies the same.

144. Paragraph 144 does not require a response by Barnes & Noble. To the extent that Paragraph 144 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 144 and therefore denies the same.

145. Paragraph 145 does not require a response by Barnes & Noble. To the extent that Paragraph 145 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 145 and therefore denies the same.

146. Paragraph 146 does not require a response by Barnes & Noble. To the extent that Paragraph 146 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 146 and therefore denies the same.

147. Paragraph 147 does not require a response by Barnes & Noble. To the extent that Paragraph 147 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 147 and therefore denies the same.

148. Paragraph 148 does not require a response by Barnes & Noble. To the extent that Paragraph 148 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 148 and therefore denies the same.

149. Paragraph 149 does not require a response by Barnes & Noble. To the extent that Paragraph 149 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 149 and therefore denies the same.

150. Paragraph 150 does not require a response by Barnes & Noble. To the extent that Paragraph 150 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 150 and therefore denies the same.

151. Paragraph 151 does not require a response by Barnes & Noble. To the extent that Paragraph 151 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 151 and therefore denies the same.

152. Paragraph 152 does not require a response by Barnes & Noble. To the extent that Paragraph 152 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 152 and therefore denies the same.

153. Paragraph 153 does not require a response by Barnes & Noble. To the extent that Paragraph 153 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 153 and therefore denies the same.

154. Paragraph 154 does not require a response by Barnes & Noble. To the extent that Paragraph 154 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 154 and therefore denies the same.

155. Paragraph 155 does not require a response by Barnes & Noble. To the extent that Paragraph 155 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 155 and therefore denies the same.

156. Paragraph 156 does not require a response by Barnes & Noble. To the extent that Paragraph 156 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 156 and therefore denies the same.

157. Paragraph 157 does not require a response by Barnes & Noble. To the extent that Paragraph 157 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 157 and therefore denies the same.

158. Paragraph 158 does not require a response by Barnes & Noble. To the extent that Paragraph 158 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 158 and therefore denies the same.

159. Paragraph 159 does not require a response by Barnes & Noble. To the extent that Paragraph 159 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 159 and therefore denies the same.

160. Paragraph 160 does not require a response by Barnes & Noble. To the extent that Paragraph 160 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 160 and therefore denies the same.

161. Paragraph 161 does not require a response by Barnes & Noble. To the extent that Paragraph 161 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 161 and therefore denies the same.

162. Paragraph 162 does not require a response by Barnes & Noble. To the extent that Paragraph 162 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 162 and therefore denies the same.

163. Paragraph 163 does not require a response by Barnes & Noble. To the extent that Paragraph 163 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 163 and therefore denies the same.

164. Paragraph 164 does not require a response by Barnes & Noble. To the extent that Paragraph 164 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 164 and therefore denies the same.

165. Paragraph 165 does not require a response by Barnes & Noble. To the extent that Paragraph 165 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 165 and therefore denies the same.



166. Paragraph 166 does not require a response by Barnes & Noble. To the extent that Paragraph 166 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 166 and therefore denies the same.

167. Paragraph 167 does not require a response by Barnes & Noble. To the extent that Paragraph 167 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 167 and therefore denies the same.

168. Paragraph 168 does not require a response by Barnes & Noble. To the extent that Paragraph 168 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 168 and therefore denies the same.

169. Paragraph 169 does not require a response by Barnes & Noble. To the extent that Paragraph 169 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 169 and therefore denies the same.

170. Paragraph 170 does not require a response by Barnes & Noble. To the extent that Paragraph 170 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 170 and therefore denies the same.

171. Paragraph 171 does not require a response by Barnes & Noble. To the extent that Paragraph 171 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 171 and therefore denies the same.

172. Paragraph 172 does not require a response by Barnes & Noble. To the extent that Paragraph 172 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 172 and therefore denies the same.

173. Paragraph 173 does not require a response by Barnes & Noble. To the extent that Paragraph 173 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 173 and therefore denies the same.

174. Paragraph 174 does not require a response by Barnes & Noble. To the extent that Paragraph 174 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 174 and therefore denies the same.

175. Paragraph 175 does not require a response by Barnes & Noble. To the extent that Paragraph 175 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 175 and therefore denies the same.

176. Paragraph 176 does not require a response by Barnes & Noble. To the extent that Paragraph 176 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 176 and therefore denies the same.

177. Paragraph 177 does not require a response by Barnes & Noble. To the extent that Paragraph 177 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 177 and therefore denies the same.

178. Paragraph 178 does not require a response by Barnes & Noble. To the extent that Paragraph 178 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 178 and therefore denies the same.

179. Paragraph 179 does not require a response by Barnes & Noble. To the extent that Paragraph 179 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 179 and therefore denies the same.

180. Paragraph 180 does not require a response by Barnes & Noble. To the extent that Paragraph 180 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 180 and therefore denies the same.

181. Paragraph 181 does not require a response by Barnes & Noble. To the extent that Paragraph 181 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 181 and therefore denies the same.

182. Paragraph 182 does not require a response by Barnes & Noble. To the extent that Paragraph 182 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 182 and therefore denies the same.

183. Paragraph 183 does not require a response by Barnes & Noble. To the extent that Paragraph 183 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 183 and therefore denies the same.

184. Paragraph 184 does not require a response by Barnes & Noble. To the extent that Paragraph 184 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 184 and therefore denies the same.

185. Paragraph 185 does not require a response by Barnes & Noble. To the extent that Paragraph 185 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 185 and therefore denies the same.

186. Paragraph 186 does not require a response by Barnes & Noble. To the extent that Paragraph 186 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 186 and therefore denies the same.

187. Paragraph 187 does not require a response by Barnes & Noble. To the extent that Paragraph 187 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 187 and therefore denies the same.

188. Paragraph 188 does not require a response by Barnes & Noble. To the extent that Paragraph 188 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 188 and therefore denies the same.

189. Paragraph 189 does not require a response by Barnes & Noble. To the extent that Paragraph 189 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 189 and therefore denies the same.

190. Paragraph 190 does not require a response by Barnes & Noble. To the extent that Paragraph 190 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 190 and therefore denies the same.

191. Paragraph 191 does not require a response by Barnes & Noble. To the extent that Paragraph 191 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 191 and therefore denies the same.

192. Paragraph 192 does not require a response by Barnes & Noble. To the extent that Paragraph 192 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 192 and therefore denies the same.

193. Paragraph 193 does not require a response by Barnes & Noble. To the extent that Paragraph 193 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 193 and therefore denies the same.

194. Paragraph 194 does not require a response by Barnes & Noble. To the extent that Paragraph 194 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 194 and therefore denies the same.

195. Paragraph 195 does not require a response by Barnes & Noble. To the extent that Paragraph 195 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 195 and therefore denies the same.

196. Paragraph 196 does not require a response by Barnes & Noble. To the extent that Paragraph 196 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 196 and therefore denies the same.

197. Paragraph 197 does not require a response by Barnes & Noble. To the extent that Paragraph 197 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 197 and therefore denies the same.

198. Paragraph 198 does not require a response by Barnes & Noble. To the extent that Paragraph 198 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 198 and therefore denies the same.

199. Paragraph 199 does not require a response by Barnes & Noble. To the extent that Paragraph 199 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 199 and therefore denies the same.

200. Paragraph 200 does not require a response by Barnes & Noble. To the extent that Paragraph 200 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 200 and therefore denies the same.

201. Paragraph 201 does not require a response by Barnes & Noble. To the extent that Paragraph 201 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 201 and therefore denies the same.

202. Paragraph 202 does not require a response by Barnes & Noble. To the extent that Paragraph 202 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 202 and therefore denies the same.

203. Paragraph 203 does not require a response by Barnes & Noble. To the extent that Paragraph 203 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 203 and therefore denies the same.

204. Paragraph 204 does not require a response by Barnes & Noble. To the extent that Paragraph 204 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 204 and therefore denies the same.

205. Paragraph 205 does not require a response by Barnes & Noble. To the extent that Paragraph 205 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 205 and therefore denies the same.

206. Paragraph 206 does not require a response by Barnes & Noble. To the extent that Paragraph 206 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 206 and therefore denies the same.

207. Paragraph 207 does not require a response by Barnes & Noble. To the extent that Paragraph 207 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 207 and therefore denies the same.

208. Paragraph 208 does not require a response by Barnes & Noble. To the extent that Paragraph 208 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 208 and therefore denies the same.

209. Paragraph 209 does not require a response by Barnes & Noble. To the extent that Paragraph 209 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 209 and therefore denies the same.

210. Paragraph 210 does not require a response by Barnes & Noble. To the extent that Paragraph 210 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 210 and therefore denies the same.

211. Paragraph 211 does not require a response by Barnes & Noble. To the extent that Paragraph 211 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 211 and therefore denies the same.

212. Paragraph 212 does not require a response by Barnes & Noble. To the extent that Paragraph 212 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 212 and therefore denies the same.

213. Paragraph 213 does not require a response by Barnes & Noble. To the extent that Paragraph 213 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 213 and therefore denies the same.

214. Paragraph 214 does not require a response by Barnes & Noble. To the extent that Paragraph 214 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 214 and therefore denies the same.

215. Paragraph 215 does not require a response by Barnes & Noble. To the extent that Paragraph 215 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 215 and therefore denies the same.

216. Paragraph 216 does not require a response by Barnes & Noble. To the extent that Paragraph 216 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 216 and therefore denies the same.

217. Paragraph 217 does not require a response by Barnes & Noble. To the extent that Paragraph 217 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 217 and therefore denies the same.

218. Paragraph 218 does not require a response by Barnes & Noble. To the extent that Paragraph 218 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 218 and therefore denies the same.

219. Paragraph 219 does not require a response by Barnes & Noble. To the extent that Paragraph 219 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 219 and therefore denies the same.

220. Paragraph 220 does not require a response by Barnes & Noble. To the extent that Paragraph 220 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 220 and therefore denies the same.

221. Paragraph 221 does not require a response by Barnes & Noble. To the extent that Paragraph 221 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 221 and therefore denies the same.



222. Paragraph 222 does not require a response by Barnes & Noble. To the extent that Paragraph 222 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 222 and therefore denies the same.

223. Paragraph 223 does not require a response by Barnes & Noble. To the extent that Paragraph 223 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 223 and therefore denies the same.

224. Paragraph 224 does not require a response by Barnes & Noble. To the extent that Paragraph 224 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 224 and therefore denies the same.

225. Paragraph 225 does not require a response by Barnes & Noble. To the extent that Paragraph 225 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 225 and therefore denies the same.

226. Paragraph 226 does not require a response by Barnes & Noble. To the extent that Paragraph 226 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 226 and therefore denies the same.

227. Paragraph 227 does not require a response by Barnes & Noble. To the extent that Paragraph 227 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 227 and therefore denies the same.

228. Paragraph 228 does not require a response by Barnes & Noble. To the extent that Paragraph 228 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 228 and therefore denies the same.

229. Paragraph 229 does not require a response by Barnes & Noble. To the extent that Paragraph 229 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 229 and therefore denies the same.

230. Paragraph 230 does not require a response by Barnes & Noble. To the extent that Paragraph 230 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 230 and therefore denies the same.

231. Paragraph 231 does not require a response by Barnes & Noble. To the extent that Paragraph 231 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 231 and therefore denies the same.

232. Paragraph 232 does not require a response by Barnes & Noble. To the extent that Paragraph 232 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 232 and therefore denies the same.

233. Paragraph 233 does not require a response by Barnes & Noble. To the extent that Paragraph 233 is deemed to require a response, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations of Paragraph 233 and therefore denies the same.

234. Barnes & Noble denies the allegations of Paragraph 234 directed at Barnes & Noble. To the extent that Paragraph 234 is deemed to require a response with respect to the other Defendants, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations and therefore denies the same. Except as expressly admitted herein, Barnes & Noble denies each and every allegation of Paragraph 234.

235. Barnes & Noble denies the allegations of Paragraph 235 directed at Barnes & Noble. To the extent that Paragraph 235 is deemed to require a response with respect to the other Defendants, Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations

and therefore denies the same. Except as expressly admitted herein, Barnes & Noble denies each and every allegation of Paragraph 235.

236. Barnes & Noble denies that it received pre-suit notice of the '111 Patent. Barnes & Noble denies that it has infringed or is infringing the '111 Patent. Barnes & Noble further denies that it has willfully infringed or is willfully infringing the '111 Patent. Barnes & Noble lacks knowledge sufficient to confirm or deny the allegations against the other defendants and therefore denies the same. Except as expressly admitted herein, Barnes & Noble denies each and every allegation of Paragraph 236.

237. Barnes & Noble requests that the Court deny all relief to Parallel Networks, including that requested by Parallel Networks in its Prayer for Relief.

### **AFFIRMATIVE DEFENSES**

Barnes & Noble's Affirmative Defenses are listed below. Barnes & Noble reserves the right to amend its Answer to add additional Affirmative Defenses, including instances of inequitable conduct, consistent with the facts discovered in the case.

#### **FIRST DEFENSE**

238. Barnes & Noble does not infringe and has not infringed any claim of the '111 Patent under any theory (including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement)).

#### **SECOND DEFENSE**

239. The '111 Patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.

#### **THIRD DEFENSE**

240. To the extent that Parallel Networks, and alleged predecessors-in-interest to the '111 Patent, failed to properly mark any of their relevant products as required by 35 U.S.C. § 287 or otherwise give proper notice that Barnes & Noble's actions allegedly infringed the '111 Patent, Barnes & Noble is not liable to Parallel Networks for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '111 Patent.

#### **FOURTH DEFENSE**

241. To the extent that Parallel Networks asserts that Barnes & Noble indirectly infringes, either by contributory infringement or inducement of infringement, Barnes & Noble is not liable to Parallel Networks for the acts alleged to have been performed before Barnes & Noble knew that its actions would cause indirect infringement.

#### **FIFTH DEFENSE**

242. Parallel Networks' attempted enforcement of the '111 Patent against Barnes & Noble is barred by laches and estoppel.

#### **COUNTERCLAIMS**

##### **The Parties**

243. Counterclaim Plaintiff Barnes & Noble, Inc. is a corporation with its principal place of business located in New York, New York.

244. Counterclaim Plaintiff barnesandnoble.com llc is a corporation with its principal place of business located in New York, New York.

245. On information and belief based solely on Paragraph 1 of the Complaint as pled by Parallel Networks, Parallel Networks is a Texas limited liability company, with its principal place of business located in Tyler, Texas.

#### **Jurisdiction**

246. This counterclaim arises under the patent laws of the United States, Title 35, United States Code. The jurisdiction of this Court is proper under at least 35 U.S.C. § 271 *et seq.*, and 28 U.S.C. §§ 1331, 1338, 1367, and 2201-02.

247. Venue is proper in this District pursuant to at least 28 U.S.C. §§ 1391 and 1400. Venue is further proper in the Tyler Division.

### **Count I**

#### **Declaratory Relief Regarding Non-infringement**

248. Based on Parallel Networks' filing of this action and Barnes & Noble's First Defense, an actual controversy has arisen and now exists between the parties as to whether Barnes & Noble infringes the '111 Patent.

249. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, Barnes & Noble requests a declaration by the Court that it does not infringe any claim of the '111 Patent under any theory (including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement)).

### **Count II**

#### **Declaratory Relief Regarding Invalidity**

250. Based on Parallel Networks' filing of this action and Barnes & Noble's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '111 Patent.

251. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, and 35 U.S.C. § 100 *et seq.*, Barnes & Noble requests a declaration by the Court that the claims of the '111 Patent are invalid.

### **Count III**

**Declaratory Relief Regarding Unenforceability**

252. Based on Parallel Networks' filing of this action and Barnes & Noble's Third, Fourth, and Fifth Defenses, an actual controversy has arisen and now exists between the parties as to the enforceability of the '111 Patent.

253. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, Barnes & Noble requests a declaration by the Court that the claims of the '111 Patent are unenforceable.

**PRAYER**

Barnes & Noble respectfully requests a judgment against Parallel Networks as follows:

- A. A declaration that the '111 Patent is unenforceable;
- B. A declaration that the asserted claims of the '111 Patent are invalid;
- C. A declaration that Barnes & Noble does not infringe, under any theory, any valid claim of the '111 Patent that may be enforceable;
- D. A declaration that Parallel Networks take nothing by its Complaint;
- E. Judgment against Parallel Networks and in favor of Barnes & Noble;
- F. Dismissal of the Complaint with prejudice;
- G. An award to Barnes & Noble of its costs and attorneys' fees incurred in this action; and
- H. Further relief as the Court may deem just and proper.

**JURY DEMAND**

Barnes & Noble hereby demands trial by jury on all issues.

Dated: July 30, 2010

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s/ Neil J. McNabney

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**Counsel for Defendants  
BARNES & NOBLE, INC. AND  
BARNESANDNOBLE.COM, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 30, 2010, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Neil J. McNabney

Neil J. McNabney